

Chapter 9

AVIATION*

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ARTICLE I. IN GENERAL†

Sec. 9-1. Definitions.

When used in this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

Air operations area means that area of a city airport, as identified in the airport's security program, in which security measures are carried out. The area includes but is not limited to aircraft movement areas, aircraft parking areas, aircraft loading ramps, safety areas for use by aircraft regulated under 49 CFR parts 1544 or 1546, and any adjacent areas, such as general aviation areas, that are not separately secured. This area does not include the secured area.

Aircraft fuel means gasoline, kerosene, jet fuel, AvGas, or any other aircraft fuel.

Aircraft movement area means any area within the air operations area that is used or intended to be used for the taxiing, landing, and taking-off of aircraft.

Aircraft operator means a person who uses, causes to be used, or authorizes to be used an aircraft with or without the right of legal control (as owner, lessee, or otherwise) for the purpose of air navigation, including the taxiing of aircraft on any part of the surface of a city airport.

Airport security program means a security program for a city airport, as approved in writing by the director and the TSA, that provides for the safety and security of persons and property on aircraft operating in air transportation against an act of criminal violence, aircraft piracy, or the introduction of an unauthorized weapon, explosive, or incendiary onto an aircraft.

Airside area means all areas within the boundaries of a city airport that are access restricted and require persons present to be in display or possession of an identification badge under section 9-91 of this Code, including air operations areas, secured areas, and security identification areas.

***Cross references**—City contracts generally, Ch. 15; contracts for public improvements and maintenance, § 15-41 et seq. regulations for aircraft over Lake Houston, § 23-165 et seq.; designation of taxicab stands at George Bush Intercontinental Airport/Houston (IAH), § 46-26; designation of taxicab stands at William P. Hobby Airport (HOU), § 46-27; pay toilets in public places § 28-29; smoking in public, § 28-27 et seq.; rates for taxicabs to airports, § 46-31.

†**Editor's note**—Ord. No. 02-1184, § 1(Exh. A), adopted December 18, 2002, amended Art. I, §§ 9-1—9-5 in its entirety. Formerly, said section pertained to similar subject matter and derived from Code 1968, §§ 9-1—9-6 and subsequent amendments.

Aviation official means the director or a department employee who has been designated in writing by the director to act on behalf of the director in a specified capacity.

CFR means the Code of Federal Regulations, as amended from time to time.

City airport means any airport, owned or operated by the city, including all lands, buildings and other improvements owned, controlled, leased, or operated and maintained by the city appurtenant thereto.

Daily parking means any area on any city airport designated by the director as intended for the parking of passenger vehicles by persons who are leaving their passenger vehicles at a city airport while they travel for periods of one or more days.

Department means the Houston Airport System.

Director means the director of HAS or his duly designated deputy director.

EFD means Ellington Field.

Exclusive area means any portion of a secured area, air operations area, or security identification display area, including individual access points, for which an aircraft operator has assumed responsibility under 49 CFR section 1542.111.

FAA means the Federal Aviation Administration.

FIS means the facility at IAH used by various agencies of the United States for the inspection and processing of arriving international passengers, together with the baggage claim, luggage storage, baggage recheck areas, in-transit lounge, and other appurtenant areas.

Ground handling services means any of the following: on- and off-loading of aircraft passengers, baggage, mail, or cargo; into plane fueling; servicing aircraft lavatories; providing ground power, potable water and preconditioned air to aircraft; cleaning the interior or exterior of aircraft; provision of food and beverages for in-flight service; and emergency maintenance of aircraft engines and systems; and similar ground services.

HAS means the Houston Airport System.

HOU means William P. Hobby Airport.

Hourly parking means any area on any city airport designated by the director as intended for the parking of passenger vehicles for short periods of time by persons who are dropping off or picking up travelers.

IAH means George Bush Intercontinental Airport/Houston.

Intoxicated has the meaning ascribed in Texas Penal Code § 49.01.

Landside area means all areas other than airside areas within the boundaries of a city airport, including roadways, terminals and sterile areas.

Landside vehicle means any type of vehicle that is powered by a gasoline, diesel, electric, LPG, or natural gas motor and is used or driven on the landside of a city airport.

Motorized equipment means any type of vehicle other than aircraft that is self-powered (such as by a gasoline, diesel, electric, LPG, or natural gas motor) and is used or driven by any authorized person on the airside of a city airport.

Preferred parking means any of those areas in parking garages at a city airport designated by the director for the purpose of offering customers, by card access subscription, the right to preferred, close-in garage parking.

Secured area means a portion of an airport, as identified in the airport's security program, where aircraft operators enplane and deplane passengers and sort and load baggage. The term includes any adjacent areas that are not separately secured.

Security identification display area means a portion of a city airport, as specified in the airport's security program, in which security measures set forth in 49 CFR part 1540 are carried out. The term includes, but is not limited to, the secured area.

Service animal has the meaning ascribed in 28 CFR § 36.104.

Short-term parking means the same as hourly parking.

Sterile area means a portion of a city airport, as identified in the airport's security program, in which passengers are provided access to boarding aircraft and to which access is controlled by the inspection of persons and property by the TSA or by an aircraft operator under 49 CFR, part 1544.

Tower means an airport traffic control tower and its operating personnel.

TSA means the Transportation Security Administration of the United States Department of Transportation.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-2. Establishment and general duties of the Houston Airport System.

(a) There is hereby created a department of the city to be known as the Houston Airport System.

(b) The Houston Airport System and its employees shall be charged with the following duties:

- (1) To develop, redevelop, operate, supervise, manage, and maintain the city airports.
- (2) To plan the further expansion of the city airports as may be necessary or desirable to properly accommodate the needs of the public.
- (3) To evaluate the city airport system facilities and services and the domestic and international scheduled air services to and from the city for the purpose of ensuring adequate public air services, and to initiate, direct, or recommend, when so indicated, corrective action for deficiencies revealed.
- (4) To cooperate and coordinate with and represent the city with the FAA, TSA, and all other agencies constructively concerned with air transportation for the city and its trade territory.

- (5) To do all things necessary to assure the development and growth of air passenger and air cargo traffic to, from, and through the city.
- (6) To design or cause to be designed improvements to aviation facilities and construct or cause to be constructed such improvements under the supervision of its own professional architectural and engineering staff.
- (7) To acquire land and interests therein as may be required for the expansion of city airports and other aviation facilities, dispose of surplus land and interests therein, and lease aviation facilities to users thereof.
- (8) To administer all commercial and general aviation matters in which the city is interested and perform such other duties and functions as may be assigned to or required of the department or its personnel by and under any provision of the federal or state laws or the Charter or the ordinances or other appropriate action of the city.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-3. Office of director created; appointment of director.

There is hereby created the office of director of the Houston Airport System. The director shall be appointed by the mayor and confirmed by the city council.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-4. Duties and authority of the director.

(a) The director shall perform all duties and responsibilities as are required of him by the laws of the United States and the state and the ordinances of the city and such other functions, duties, and powers as may be assigned to him by the mayor. In addition to the foregoing duties, functions, powers, and responsibilities, the director shall:

- (1) Be executive head of the department and have control, supervision, and authority

over all officers and employees therein in the performance of the duties set forth in this section.

- (2) Promulgate and enforce or cause to be enforced reasonable and necessary administrative rules and regulations governing the use, control, and operation of the city airports and any other property placed under the jurisdiction of the department. The regulations shall not be inconsistent with applicable state, federal, or local laws, rules, and regulations. A copy of the regulations shall be maintained for public inspection in the manager's office at each city airport and in the city secretary's office.
 - (3) Be authorized and directed for and on behalf of the city to notify any person who fails or refuses to comply with any applicable provision of law or departmental rules and regulations to depart from any city property or building under control of the department. Any person who upon such notice fails to depart from the city property or building shall be subject to prosecution under § 30.05 of the Texas Penal Code for criminal trespass in addition to prosecution for any other crime that he may have committed thereupon.
- (b) The director is hereby authorized to perform the following functions:
- (1) Close or restrict the use of all or any portion of any city airport as he may deem necessary and advisable in the interest of public safety in the event of natural disaster, airplane crash, structural failure of a runway or other facility, or other unsafe condition or during construction and maintenance work.
 - (2) Deny the use of IAH, HOU, and EFD to any person who fails to pay the charges or conform to any provision of this chapter.
 - (3) Determine for each construction contract which procurement method provides the best value for the city pursuant to Subchapter H, Section 271.114 of the Texas Local Government Code, as the same may be amended from time to time, and to take steps to so procure.
 - (4) Promulgate standard terms for leases and concessions that shall be included in all such agreements.
 - (5) Give any and all notices that are required to be given by the city as a condition precedent to the taking of any action by the city under the provisions of any and all lease agreements for land and premises at any city airport and under the terms and provisions of all concession agreements for concessions at any city airport. The director, with the counsel of the city attorney, is further authorized to initiate or take any action under the terms of any such agreement upon the failure or refusal of the party notified to comply with such agreement.
 - (6) Establish reasonable aircraft parking charges within the ranges set forth in section 9-142 for the parking of commercial aircraft on unleased areas controlled by the city on the city airports.
 - (7) Subject to approval by the city controller:
 - a. Establish billing and collection procedures and forms for collecting and remitting the fees and charges provided for in this chapter.
 - b. Prepare forms and prescribe methods of reporting numbers of flights, all enplaning and deplaning activities, aircraft weight, and time of use of the ramp areas and other facilities and services for which fees are charged.
 - (8) Allow scheduled and nonscheduled airlines to use unleased gates and common use areas and other associated operating space and facilities within the terminals and concourses at IAH and HOU as described in sections 9-165 and 9-166 of this Code.
 - (9) Establish air cargo aircraft operations charges within the ranges set forth in

section 9-167 for the use of the air cargo apron areas designated by the director at IAH.

- (10) Require those persons not under written contract with the city who conduct business on the airside to maintain the insurance coverages described in section 9-95.
- (11) When determined to be in the best interest of the city and HAS, execute terminable written occupancy license agreements not exceeding six months, for the mayor and on behalf of the city, upon forms approved by the city attorney.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02; Ord. No. 04-1150, § 1, 11-9-04)

Sec. 9-5. Airport zoning.

Nothing in this Code or the ordinance adopting this Code shall be deemed to affect the validity of any ordinance relating to airport zoning, establishing an airport zoning commission, or designating any airport hazard area for zoning purposes, and all such ordinances are hereby recognized as continuing in full force and effect.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-6. References to aviation department and aviation director.

The Houston Airport System was formerly known as the department of aviation or the aviation department, and the director was formerly known as the director of aviation or the aviation director. Any such reference in this Code or in any contract, agreement, purchase order, or other document shall be construed to mean the Houston Airport System or the director of the Houston Airport System, as applicable.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-7. Animal regulations.

No person shall enter any city airport terminal building or airside area with an animal in his possession. It is a defense to prosecution under this section that:

- (1) The animal is a service animal in actual service to the actor, who is a person with disabilities;

- (2) The animal is securely contained within a cage or carrier that is approved for airline use; or
- (3) The actor has been authorized by the director to bring the animal onto airport property.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-8. Lost articles.

Any person who finds lost articles on any city airport shall deposit them with persons authorized under regulations promulgated from time to time by the director.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-9. Deposit of garbage or waste.

No person shall deposit or leave any debris, garbage, paper or any other type of waste on any city airport, except in approved receptacles provided for that purpose. A person who commits an offense under this section shall, upon conviction, be subject to a fine of not less than \$100.00 nor more than \$2,000.00. To the extent that any conduct in violation of this section is also a violation of the Texas Litter Abatement Act, then the violation shall be prosecuted under and punishable as provided under the Act, rather than this section.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-10. Environmental regulations.

Persons who violate any environmental rules or regulations promulgated by the director, the Texas Commission on Environmental Quality, or the United States Environmental Protection Agency while on airport property shall be subject to any and all applicable state and federal laws.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Secs. 9-11—9-20. Reserved.

ARTICLE II. LANDSIDE AREA REGULATIONS*

DIVISION 1. IN GENERAL

Sec. 9-21. Sterile areas.

Persons who enter or to attempt to enter any sterile area without complying with the security

*Editor's note—Ord. No. 02-1184, § 1(Exh. A), adopted December 18, 2002, amended Art. II, §§ 9-61—9-145 in its

measures in effect thereat shall be subject to prosecution under any and all applicable state and federal laws.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Secs. 9-22—9-30. Reserved.

DIVISION 2. MOTOR VEHICLES

Sec. 9-31. Designation of traffic engineer.

(a) The director shall designate an engineer who is an employee of the department to act as the traffic engineer for the department.

(b) The department traffic engineer, rather than the city traffic engineer designated in chapter 45 of this Code, shall have jurisdiction over the erection of regulatory traffic signs and traffic control devices on the landside of any city airport, consistent with the authority granted to the city traffic engineer in chapter 45 of this Code, and applicable state laws.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-32. Designation by traffic engineer.

(a) Subject to any notice requirements of applicable laws or ordinances, the traffic engineer may designate parking areas, temporary hourly parking areas, no parking areas and free parking areas on the landside of a city airport. The Houston Police Department shall have the authority to ticket and/or cause to be towed any landside vehicle that is in violation of any regulatory traffic signs located in parking areas, temporary hourly parking areas, no parking areas, and free parking areas.

(b) The provisions of chapter 45 of this Code shall apply for purposes of enforcement as if said areas were "public streets," provided that no such drive, roadway or other area designated as a parking area, temporary hourly parking area, no parking area, or free parking area shall constitute

entirety. Formerly, said sections pertained to general airport regulations and derived from Code 1968, §§ 9-24—9-113 and subsequent amendments.

a "public street" for any other purpose, unless expressly so dedicated as a "public street" by the city.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-33. Storing, parking, or repairing landside vehicles.

(a) No person shall store, park, or repair any landside vehicle on any city airport except in areas clearly marked by signage as designated by the aviation official for such purposes.

(b) The aviation official may move or cause to be moved to some other location, at the sole risk and expense of the owner, any landside vehicle that is in violation of this section or any other city ordinance or city airport rule or regulation.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-34. Loading or unloading passengers.

It shall be unlawful for any person engaged in the operation of any landside vehicle on the landside area of any city airport to take on or discharge passengers, except at the places designated by the director for such purposes.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-35. Parking lots—Rates and time limits.

(a) *Fees.* The following fees are hereby established for public parking on the landside area at the city airports where the parking space is not designated a free parking zone:

- (1) City economy lot parking at IAH: For three hours or less: \$1.85, plus any applicable sales tax. For more than three hours up to 24 hours: A rate to be established by the director between a minimum of \$1.86 and a maximum of \$7.39, plus any applicable sales tax.
- (2) Surface and garage parking other than the economy lot at IAH:
 - a. *Hourly parking.* For one and one-half hours or less: \$0.93, plus any applicable sales tax. For more than one and one-half hours up to three hours: \$1.85, plus any applicable sales tax. For more than three hours up to

five hours: \$4.62, plus any applicable sales tax. For more than five hours up to 24 hours: A rate to be established by the director between

- a minimum of \$4.63 and a maximum of \$27.72, plus any applicable sales tax.
- b. *Daily parking.* For three hours or less: a rate to be established by the director between a minimum of \$0.93, plus any applicable sales tax, and a maximum of \$2.77, plus any applicable sales tax. For more than three hours up to five hours: \$4.62, plus any applicable sales tax. For more than five hours up to 24 hours: a rate to be established by the director between a minimum of \$4.63 and a maximum of \$13.86, plus any applicable sales tax.
- (3) Preferred parking at IAH: In addition to the areas in the garages that are designated for hourly or daily parking by the director, the director may designate preferred parking areas. The director shall promulgate policies and procedures to implement and operate the preferred parking areas, including, without limitation, application requirements, revocation of use, access and exiting, billing procedures and charges. The director is authorized to charge each customer who uses the preferred parking areas a processing fee of \$200.00 and a refundable deposit of \$50.00 per access card, plus any applicable sales tax, and a parking rate of \$13.86, plus any applicable sales taxes, for each 24 hour period or portion of a 24 hour period that the customer's vehicle is parked in a preferred parking area.
 - (4) City economy lot parking at HOU: For three hours or less: \$1.85 plus any applicable sales tax. For more than three hours up to 24 hours: A rate to be established by the director between a minimum of \$1.86 and a maximum of \$7.39, plus any applicable sales tax.
 - (5) Garage parking at HOU:
 - a. *Hourly parking.* For one and one-half hours or less: \$0.93, plus any applicable sales tax. For more than one and one-half hours up to three hours: \$1.85, plus any applicable sales tax. For more than three hours up to five hours: \$4.62, plus any applicable sales tax. For more than five hours up to 24 hours: A rate to be established by the director between a minimum of \$4.63 and a maximum of \$13.86, plus any applicable sales tax.
 - b. *Daily parking.* For three hours or less: a rate to be established by the director between a minimum of \$0.93, plus any applicable sales tax, and a maximum of \$2.77, plus any applicable sales tax. For more than three hours up to five hours: \$4.62, plus any applicable sales tax. For more than five hours up to 24 hours: A rate to be established by the director between a minimum of \$4.63 and a maximum of \$13.86, plus any applicable sales tax.
 - (6) Surface parking at EFD: For each 24 hour period or portion thereof, a rate to be established by the director between a minimum of \$0.92 and a maximum of \$4.62, plus any applicable sales tax.
 - (7) The applicable fees established by section 9-35 of this Code shall be based upon the total time of use of the facilities, and the foregoing rate cycles shall apply during each 24-hour parking period if a vehicle remains parked in the applicable parking area for more than 24 hours.
 - (b) *Grace period.* The director is authorized to establish a grace period not to exceed 30 minutes for any parking area at each city airport. The director may, at his discretion, waive the portion of the parking fee covered under this grace period.
 - (c) *Valet services.* The director may establish and provide for valet parking services at IAH and HOU. The valet service shall charge a fee determined by the director, to be not less than the current long-term parking rate for garage parking at IAH and HOU.
(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)
- Secs. 9-36—9-50. Reserved.**

DIVISION 3. GROUND TRANSPORTATION

Sec. 9-51. Definitions.

For the purpose of this division only, the following terms shall have the meanings specified below unless otherwise indicated herein:

Airport use fees includes all fees and charges required to be paid under or pursuant to this division.

Airport use permit means a valid, unexpired and unrevoked permit issued by the director pursuant to this division. An airport use permit contains terms and conditions more completely prescribed in this division. An airport use permit grants privileges (e.g., using airport property for commercial purposes, supplying services at the airports) for which fees are imposed. Both airport use permits and the more specialized contracts mentioned in this division are types of contracts, leases or other arrangements authorized by state law.

Applicable regulations means all of the provisions of this chapter, all other applicable ordinances, rules, and regulations of the city and the director, any applicable rules, regulations, statutes, and constitutional provisions of the federal and state governments, and any applicable assurances and covenants made by the city in connection with federal or state grant programs.

Commercial business entity means any sole proprietorship, partnership, corporation, trust or other person engaged in commercial, industrial or institutional operations in connection with which money or anything of value is paid, demanded or expected by passengers, customers or other users, but does not include the federal government of the United States, the State of Texas or any of their departments, agencies or political subdivisions (unless they provide, as their primary function, ground transportation of passengers in exchange for fares or charges).

Commercial carrier service means transportation service provided by a commercial passenger vehicle under circumstances where two or more passengers may share the same vehicle and each is charged a fare that is determined on a per-

passenger, per-trip or similar basis that does not depend upon the number of passengers being carried.

Commercial passenger vehicle means a motor vehicle while it is used, or offered (orally or in a writing or sign) to be used, to transport one or more persons, on land, either:

- (1) In exchange for a fare, charge, or other thing of value (paid, demanded, or expected for the transportation service, in whole or in part, directly or indirectly, by the person transported or by another person, or otherwise); or
- (2) In connection with the operations of a commercial business entity, regardless of whether a fare, charge, or other thing of value is paid, demanded or expected for the transportation service.

It shall be a presumption that a motor vehicle bearing the name, trade name, common name, emblem, trademark or other identification of a commercial business entity and being used to transport a passenger is a commercial passenger vehicle.

Courtesy vehicle means a commercial passenger vehicle that meets all of the following criteria at all times when it is operated on city airport premises:

- (1) The vehicle is owned or provided by one or more commercial business entities that: (i) arrange for the vehicle to provide transportation only incidentally to the commercial business entities' primary businesses or activities, which may, for example, be car rental, parking, lodging, air transportation, special events or medical care; (ii) provide the vehicle, by purchase or lease or by contracting with another party (which party may or may not be primarily in the business of providing ground transportation); and (iii) all sign the application for the airport use permit for the vehicle, as applicants or co-applicants.
- (2) The vehicle is provided for the exclusive use of officers, agents, employees, customers or invitees of any of the commercial business entities.

- (3) There is no fare, charge or thing of value paid, demanded or expected from the persons transported, directly or indirectly, for transportation, and this is effectively communicated to the traveling public. (Example: An increase in the charge for lodging or for an event could be an indirect charge, if related to transportation.)
- (4) If required by the director, the vehicle is prominently and permanently marked to show its status as a courtesy vehicle. Such marking could include, for example, the legend "free courtesy vehicle, not for hire," or a similar legend, together with the names and locations of the commercial business entities served.

Finance director means the director of the department of finance and administration or that director's designee.

Hearing officer means a person appointed by the finance director to hear appeals under this division. An appointee may be a city employee, but an appointee shall be disqualified from hearing any matter that the appointee personally investigated or for which the appointee had any substantial enforcement responsibility.

Local transit vehicle means a motor vehicle operated by a political subdivision of the State of Texas under Chapter 451 or 452, Texas Transportation Code, or other applicable laws, while it is providing local transit service characterized by frequent stops along local streets or characterized by demand-responsive stops to receive or discharge persons with physical disabilities.

Non-Houston taxi means a vehicle with a capacity of six or fewer persons while it is lawfully operated under a license, permit, or other similar permission issued by another municipality, which license, permit, or permission is substantially similar to a permit issued under article II of chapter 46 of this Code.

Off-airport parking user means a commercial business entity that provides or arranges for one or more commercial passenger vehicles, however owned or operated, to pick up or drop off passengers within a terminal complex of an airport in connection with the operations of a business of

the user involving the parking of motor vehicles at a facility located outside the airport boundary.

Off-airport rental car user means a commercial business entity that provides or arranges for one or more commercial passenger vehicles, however owned or operated, to pick up or drop off passengers within a terminal complex in connection with a business (of the user) involving the renting of motor vehicles, all under circumstances where the user does not have a concession, contract or lease with the city for the use of counter space or other facilities in the terminal complex.

On-airport rental car user means a commercial business entity that provides or arranges for one or more commercial passenger vehicles, however owned or operated, to pick up or drop off passengers within a terminal complex in connection with a business (of the user) involving the renting of motor vehicles, all under circumstances where the user has a concession, contract or lease with the city for the use of counter space or other facilities in the terminal complex.

Permittee means a person to whom an airport use permit has been issued.

Regulatory approvals means all permits, licenses, certificates, registrations, and other approvals required by applicable regulations.

SGT license means a valid, unexpired, and unrevoked license issued by the finance director pursuant to section 9-58.

SGT vehicle means a motor vehicle, other than a taxicab or a vehicle operated by the Metropolitan Transit Authority of Harris County, Texas, with a rated passenger capacity of ten persons or more (including the driver), that is used or offered (orally or in a writing or sign) to be used, to transport one or more persons in exchange for a fare, charge, or other thing of value (paid or to be paid specifically for the transportation service), where such transportation is provided or offered (orally or in writing or sign) to be provided as part of a regularly scheduled transportation service to or from an airport. A "regularly scheduled transportation service" is a transportation service provided or offered at fixed times or intervals or at repetitive times or intervals.

Specified service area means an area specified from time to time by the director pursuant to section 9-54.

Taxicab means a vehicle while it is lawfully operated under a taxicab permit issued under chapter 46 of this Code.

Terminal complex means each area within the boundary of HOU or IAH located within 400 feet of any part of the following: (i) a passenger terminal building or (ii) a consolidated rental car facility at IAH designated by the director in accordance with this division. The interterminal train system at IAH is deemed to be a part of a passenger terminal building. The director may promulgate a map or other description of a terminal complex, and it shall be a presumption that the boundaries of the terminal complex are as so promulgated by the director.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-52. General provisions.

(a) *Use of property and funds.* This division provides rules and regulations for the use of airport property by commercial passenger vehicles, and it requires that airport use fees be paid for the use of airport property. It is city policy that funds from airport use fees shall be used for airport purposes, as more fully described in the ordinances authorizing the issuance of airport system bonds adopted from time to time.

(b) *Permits required, etc.* It shall be unlawful for any person owning, possessing, controlling, or operating a commercial passenger vehicle to cause or allow one or more other persons to board the vehicle, or to alight from the vehicle, in any terminal complex if there is no airport use permit for the vehicle. It shall also be unlawful for any person owning, possessing, controlling, or operating a commercial passenger vehicle to cause or allow the vehicle to be operated upon airport property if:

- (1) The vehicle is operated in violation of this division, any airport use permit, or any condition in an airport use permit; or
- (2) Any of the airport use fees required by this division with respect to the use of the airport has not been paid when due.

- (3) The vehicle or its operation does not comply with any other regulatory approval required by applicable regulations (e.g., a city, state or federal license, permit, franchise), for any part of a trip that includes airport property.

(c) *Others liable; contractors.* It shall be unlawful for any person to direct, cause, or allow another person to violate, or to aid another person in violating, subsection (b) above. A permittee may allow independent contractors to operate permittees vehicles; however: (i) the permittee must provide all required insurance, covering both permittee and each contractor, and (ii) in any event, both the permittee and the contractor are responsible for compliance with applicable regulations.

(d) *Control of vehicles.* For purposes of this division only, it shall be a presumption that a motor vehicle bearing the name, trade name, common name, emblem, trademark, or other identification of a commercial business entity is controlled by that business entity and by the managers of that business entity; however, this presumption does not apply in the case of a taxicab while it is driven by an independent contractor.

(e) *Taxicabs.* It shall be an affirmative defense in any prosecution involving lack of an airport use permit under this section (but not prosecutions involving other violations or nonpayment of fees) that the vehicle in question was:

- (1) A taxicab; or
- (2) A non-Houston taxi, and no passengers boarded it on airport property.

(f) *Occasional users.* It shall be an affirmative defense in any prosecution involving lack of an airport use permit under this section (but not prosecutions involving other violations or nonpayment of fees) that the vehicle in question was not used to transport passengers within a given terminal complex more than twice during the seven-day period ending on and including the day of the alleged offense.

(g) *Non-airport use.* It shall be an affirmative defense in any prosecution involving lack of an airport use permit or nonpayment of fees under this section that the vehicle in question was

operated exclusively on dedicated public streets, roads and highways, without using airport property during the trip in question.

(h) *Consolidated rental car facility.* The director shall designate a consolidated rental car facility at IAH. The facility shall be designed and operated to allow a single, consolidated shuttle bus system to transport all rental car passengers to and from the passenger terminals. The first designation becomes effective when the first facility (with its consolidated shuttle bus system) begins operations. The director shall likewise designate successor and substitute facilities. After a designation becomes effective:

- (1) The designated facility becomes part of the terminal complex for IAH; and
- (2) It shall be unlawful for any person owning, possessing, controlling, or operating a commercial passenger vehicle to cause or allow any passenger to board the vehicle, or to alight from the vehicle, anywhere within 400 feet of a passenger terminal building at IAH, if the passenger comes from, or is going to, any premises owned, possessed, controlled or operated by an off-airport rental car user. This paragraph does not apply to passengers boarding or alighting from the consolidated shuttle bus system serving the facility.

(i) *Consent to use property.* For purposes of section 9-161 of this Code, persons who operate commercial passenger vehicles or local transit vehicles in compliance with this division, and in compliance with other applicable regulations, do so with the approval of the city council, and the commercial activity of transporting passengers at the airports is authorized by the city council to the extent herein provided. The city, as the owner of the city's airports, does not consent to the use of airport property in violation of this division or other applicable regulations.

(j) *Penalties.* Violation of this section shall be punished by a fine not exceeding \$500.00. Each day any violation of this section continues shall constitute a separate offense. The suspension, revocation, cancellation, or denial of any license, permit, or certificate shall not prohibit the imposition of any civil or criminal penalty. The im-

sition of a civil or criminal penalty shall not prohibit any other remedy and shall not prohibit the suspension, revocation, or denial of a license, permit, or certificate. The city shall have the authority to enforce this division by civil litigation to the full extent allowed by state law.

(k) *Regulations.* The director shall prescribe regulations for the use of airport premises by permittees, including, but not limited to: regulations for applications, permits and appeals, which must include the use of a hearing officer; regulations allowing temporary substitute vehicles; regulations as to locations to drop off or pick up passengers, park vehicles, stage vehicles, or hold vehicles; regulations as to routes of vehicles; regulations as to appearance of vehicles and drivers; regulations as to conduct upon airport premises; and other regulations as may be necessary for the safe and efficient operation of the airports. (Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-53. Airport use permits generally.

(a) *Application.* A person desiring to obtain an airport use permit must apply to the director upon a form promulgated by the director. The form may require: (i) multiple signatures, in the case of transportation services provided by or for more than one entity, (ii) agreements to comply with applicable regulations, (iii) indemnities to protect the city and its officers, agents and employees, and (iv) other provisions related to this division.

(b) *Form of permits, devices, etc.* The director shall prescribe the form of airport use permits. There may be different permit forms (with different provisions) for different categories of vehicles and services. The director shall also prescribe the form of stickers, electronic devices, or other evidence of an airport use permit and the manner in which the evidence shall be affixed and displayed.

(c) *Insurance.* Each permittee must provide and maintain insurance coverage (or self-insurance) as required by this section throughout the term of the permit.

- (1) Permittees are required to have and maintain motor vehicle (or automobile) liability insurance with limits of liability not less than \$100,000.00 for bodily injury to

one person or death of one person and \$300,000.00 for bodily injury to or death of all persons injured or killed in any one accident.

- (2) Insurance policies must meet all of the criteria required for insurance policies under section 46-207 of this Code. The director shall approve self-insurance in lieu of liability insurance policies if the applicant submits proof that the applicant has qualified as a self-insurer under state laws and regulations applicable to motor carriers (see, e.g., § 643.102, Texas Government Code and 43 TAC § 18.16) up to the limits required by this section for liability insurance policies.
- (3) Because airport use permits are not required for taxicabs or non-Houston taxis, the foregoing insurance provisions (as well as the other permit requirements) do not apply to them; however, the provisions of chapter 46, including the insurance provisions, shall remain applicable to taxicabs, and the ordinances and regulations of the municipality regulating non-Houston taxis shall remain applicable to them.
- (4) Each permittee shall submit written proof of insurance (or self-insurance) to the director: (i) with each application for a permit, including transfers and other changes, (ii) at least 15 days before any existing coverage expires, and (iii) at any other time when requested by the director. Each proof of insurance shall meet the criteria of section 46-207 of this Code, or such other criteria as the director may promulgate, e.g., for self-insurance. The director may waive these requirements when proof is already on file with another city department as required section 46-207 of this Code.
- (d) *Term.* Each airport use permit shall be effective for a term prescribed by the director, not to exceed 18 months. A permit may be renewed. The standards and procedures for renewals are the same as for original permits.
- (e) *Issuance or denial.* After a complete and effective permit application is received, the director shall grant it unless one or more of the following circumstances is present:
 - (1) The application does not meet a requirement of this chapter or another applicable regulation, or information required to be provided by the applicant is missing.
 - (2) The application includes false or misleading information or omits information necessary to prevent the application from being misleading.
 - (3) It appears that the proposed activity will not comply with applicable regulations, or the director is not able to discern from the application that the activity will so comply.
 - (4) An airport use permit or other regulatory approval relating to passenger transportation issued to the applicant, or to a closely-related party, was revoked within the 180 day period preceding the date the application is filed, and the revocation has become final, all because of a violation of a statute, rule, regulation or ordinance. This requirement may be waived if the applicant demonstrates clearly that the circumstances of the revocation have been changed so as to prevent another violation. If a permit is denied under this paragraph because of a previous conviction, the director shall follow the procedures of section 1-9 of this Code and applicable state law. It is found and determined that the previous conviction for a violation of a statute or ordinance that results in a revocation of an airport use permit shall be grounds for denial of a new permit because such a conviction would indicate an inability or an unwillingness of the applicant to comply with this division or the terms of the permit.
 - (5) The director determines that the proposed service: (i) would be inconsistent with any contracts, leases or other arrangements previously made, or in process, for service to a specified service area; (ii) would cause a reduction in the quality,

reliability or traveler-orientation of the overall ground transportation system; (iii) would cause an increase in price, immediately or in the future, of scheduled or lower-priced services; (iv) would be inconsistent with efficient operation of the airport in question; or (v) would otherwise adversely affect the traveling public.

(f) *Conditions.* The director may grant a permit with conditions, to be stated in the permit, if the director determines that such conditions are: (i) required by this division; (ii) required to allow the permit to be issued under the criteria set out in this division; or (iii) reasonably necessary to achieve compliance with applicable regulations. An application for a permit shall be deemed denied if not granted on or before the thirtieth day next following the day the application is completely and effectively filed.

(g) *Transfer.* A permit is personal to the applicant designated in the application, provided that it may be transferred with the approval of the director. The standards and procedures for transfer approvals are the same as for issuance of original permits.

(h) *Revocation.* The director shall have the authority to revoke a permit for any one or more of the following reasons:

- (1) The activity covered by the permit appears not to comply with any applicable regulation or with any condition imposed in connection with the permit, regardless of whether the noncompliance was shown on the application for the permit or was otherwise known to the city.
- (2) The activity has been substantially abandoned or ceased for a period of 30 consecutive days or more, unless such abandonment or cessation is caused by circumstances beyond the control of the applicant, and the applicant is proceeding with due diligence, given all attendant circumstances, to resume the activity.
- (3) Information provided in or as part of the permit application is materially incorrect.

- (4) The permit should not have been issued pursuant to the criteria of this article or the criteria of any other ordinance applicable to the permit.
 - (5) Any check or instrument presented to the city in connection with the permit was returned unpaid for any reason.
 - (6) A change in an applicable regulation requires that the permit be revoked.
 - (7) The director is denied access to inspect or examine any vehicle or place where the activity occurs or any records to which the director is required to have access under this division.
 - (8) The permittee does not have other regulatory approval to operate the service in question (where required).
 - (9) In the case of permits issued pursuant to a contract for service, the contract is not in effect.
 - (10) Any permit, sticker, electronic device, or other required evidence of an airport use permit is counterfeited, disabled, tampered with, transferred, affixed, displayed, or removed contrary to rules issued by the director.
 - (11) Any fees or charges required by this division are not paid when due.
 - (12) Cancellation, termination or other lack of insurance or self-insurance.
- (i) *Procedures.* Before revoking or suspending a permit (and except as provided below), the director shall make a reasonable attempt to:
- (1) Notify the permittee (or local management personnel of the permittee, in case the permittee is not notified) orally or in writing at an appropriate address (physical or electronic), telefax number or telephone number shown on the permittee's most recent permit application;
 - (2) Describe the evidence supporting the revocation or suspension; and
 - (3) Provide the permittee an opportunity to respond. If requested by the permittee, the director shall grant a reasonable time

extension for the permittee's response, unless it is obvious that there has been a serious or repeated violation of applicable regulations. The proceedings may be handled informally. If, after making such an attempt, the director is of the opinion that the permit should be revoked or suspended, he may issue a written order so stating, which shall be effective (unless a later time is indicated in the order) when notice thereof is given to the permittee.

(j) *Suspension.* If the director so determines, based upon the nature of the violation, that the ends of justice would be served by a suspension in lieu of a revocation, the director may suspend the permit for a period of time to be stated in the order of suspension. The director may suspend a permit without prior notice if the permittee knows, or should know, that: (i) any other regulatory approval required to operate the vehicle is not in effect, (ii) required insurance or self-insurance is not in effect, or (iii) fees or charges required by this chapter are not paid when due. In case of such a suspension, the director shall provide an expedited opportunity for the permittee to respond and appeal.

(k) *Demerit system.* The director may classify violations and assign each a specified number of demerits. Accumulated demerits may be used to determine when permits are suspended or revoked.

(l) *Nature of permits.* An airport use permit is only a nonexclusive, conditional permission to use airport premises. No permit confers a vested right or property right of any kind, and all permits are subject to amendment, cancellation, revocation, or suspension at any time.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-54. Contracts; specified service areas; commercial carrier service.

(a) *Contract service.* Where the director finds that reliable, modestly-priced, scheduled, commercial carrier service between an airport and one or more specified points or service areas would be beneficial to the traveling public and should be assured by contract, the director may recommend that the city enter into a contract for such service.

Any such contract must be approved by the city council and must contain the requirement that the operator maintain schedules, fares and other service standards.

(b) *Specified service areas, designation.* If such a contract would require a substantial financial investment by an operator, the contract may designate a specified service area that the contractor must serve, and the contract may include restrictions on granting others the right to use airport property to provide the same or similar service. However, it is the policy of the city that a contract containing such restrictions:

- (1) Should be made, to the greatest extent practicable, only after seeking competitive proposals;
- (2) Should be made with an operator that can provide low passenger fares consistent with good service and financial stability; and
- (3) Should have a term no longer than is reasonably necessary to induce the operator to make the necessary financial investment or commitment.

(c) *Specified service areas, details.* A specified service area for a given airport shall not be substantially larger than is reasonably necessary, in the judgment of the director, to assure that the contracted-for service will be financially viable, modestly priced and reasonably frequent. The director may amend a specified service area from time to time, unless otherwise limited by contract. The director may decline to issue an airport use permit authorizing the use of airport property to provide commercial carrier service to or from points within any specified service area unless the director determines that the service in question:

- (1) Would benefit the traveling public;
- (2) Would be consistent with the practical and efficient operation of the airport in question; and
- (3) Would not violate any contractual arrangements in process or in effect.

(d) *Commercial carrier service, generally.* The director shall insert conditions into each permit for commercial carrier service to require:

- (1) Maintenance of a regular, predetermined schedule (which must be defined in terms of departure times, arrival times, pickup points, and discharge points, or in other terms such as routes or places served and minimum headways or maximum waiting times, all of which must provide enough detail to inform a traveler as to when and where the service will be provided); and
- (2) Publication of the schedule and the carrier's fares in a manner acceptable to the director.

(e) *Commercial carrier service, additional conditions.* The director may also insert conditions into any permit for commercial carrier service to require one or more of the following:

- (1) Termination of the permit after a temporary period shorter than the normal term of a permit.
 - (2) Payment of additional fees to the city upon noncompliance with the permit.
 - (3) Maintenance of vehicles of the capacity, quality, condition, and age required to comply with regulatory approvals and with the applicant's proposal or contract with the city.
 - (4) Posting of a performance bond or other performance security to assure compliance with the permit.
 - (5) Specification of points or areas to or from which service may not be provided, including, for example, specified service areas.
- (Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-55. Application fees.

A non-refundable application fee must accompany each application for an airport use permit. The amount of the fee is \$50.00 for an original permit or a renewal permit or for transfer of a permit. In addition, if an automatic device is issued to a permittee, the director may require a refundable deposit to secure the return of the device, not to exceed the cost of the device.

Exceptions:

- (1) If the applicant began operations or continued operations without a valid permit, the fee is twice the amount of the regular application fee (to cover additional costs imposed upon the city);
 - (2) If the director prescribes a permit term shorter than one year, the full application fee must be paid, but the director shall grant the applicant a credit toward the next renewal fee, and the credit shall equal the pro rata part of \$50.00 not covered by the short permit term;
 - (3) If the director prescribes a permit term longer than one year, the fee shall be increased pro rata; and
 - (4) The application fee is \$15.00 for a temporary permit (term shorter than 30 days).
 - (5) See section 9-57 of this Code for additional provisions, as applicable.
- (Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-56. Recurring airport use fees.

The recurring airport use fees, which are in addition to the application fees and other fees provided for in this division, shall be as set out in Table 9-1.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-57. Airport use fees; additional provisions.

(a) *Billing accounts.* The director is authorized to establish monthly billing accounts for permittees who regularly use an airport.

(b) *Payment procedures.* Payment of the airport use fees required by this division shall be made in accordance with procedures promulgated by the director and at the times specified by the director. The director is authorized to employ automatic vehicle identification devices and other measures deemed appropriate by the director for this purpose, which devices, if used, shall be affixed to vehicles as prescribed by the director. Payment shall be made by charging the fee to an account established by the director pursuant to this section or by United States currency. With

respect to taxicabs and non-Houston taxis at city airports, the director shall also have the authority prescribed by chapter 46 of this Code.

(c) *Appeals.* The fee for an appeal to the hearing officer is \$150.00, but the hearing officer may order the refund of part of a fee, to the extent, if any, that the hearing officer determines that the cost incurred by the city is less than \$150.00 for that appeal.

(d) *Temporary substitutes.* The fee for a temporary substitute vehicle is \$15.00.

(e) *Periodic revisions.* Periodically, the director shall calculate and submit to the city council for approval a new schedule of airport use fees that reflect changes in costs of providing, operating, and maintaining airport facilities.

(f) *Multiple categories.* In case of vehicles used to provide two or more categories of service, the director shall prescribe a method whereby applicable airport use fees for each category of service will be paid without double payment of per-trip fees. For this purpose, the director is authorized: (i) to require the highest applicable fee, except to the extent the permittee provides clear, verified proof of the levels of service actually provided in lower categories (including passengers, trips, revenues and other relevant data); and (ii) to assign multiple-category trips to the principal business served, if necessary to perform a fee calculation calling for both trips and gross receipts.

(g) *Certain waivers.* For vehicles authorized to be operated under other types of agreements for use of airport property (e.g., airline agreements, hotel agreements, leases of real property) in exchange for rentals, fees or other charges paid to the city, the director may waive the fees required by this division (but not the requirement to obtain an airport use permit), if waiver is necessary to avoid a double payment to the city. The director may also waive the requirements for airport use permits and fees for local transit vehicles, if suitable vehicle identification provisions are made, and if, as a practical matter, they provide an essential public service requiring a direct tax subsidy.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-58. Scheduled ground transportation licenses issued by the finance and administration department.

(a) *In general.* SGT licenses issued by the finance director pursuant to this section shall be sufficient authorization for SGT vehicles to operate on the streets, roads, and highways of the city while en route to or from an airport. An SGT license is not required for vehicles operated in compliance with another chapter of this Code, or state or federal laws, governing vehicles for hire and use of streets, roads, and highways. An SGT license, or another regulatory approval, is required in addition to an airport use permit in the circumstances described in section 9-52.

(b) *Term, etc.* SGT licenses shall have a term of one year from the date of issuance and may be renewed for yearly terms upon reapplication therefor.

(c) *Fees.* License fees per year for SGT licenses shall be as follows:

<i>Rated Passenger Capacity of Vehicle (including driver)</i>	<i>Annual Fee Per Vehicle Covered By the License</i>
10—12	\$50.00
13—30	75.00
31 or more	100.00

(d) *Applications.* Applications for SGT licenses shall be submitted on forms furnished by the finance director and shall provide the following information:

- (1) Name and form of business under which the service will be operated.
- (2) The mailing address and telephone number of the applicant.
- (3) A list showing the model, type, and make of each vehicle applicant desires to place into operation.
- (4) A description of the service proposed to be provided. If the service is contract service authorized by section 9-54, a copy of the contract is a sufficient description.
- (5) Written proof that the applicant has an airport use permit for each vehicle in question or has applied for such a permit.

(e) *Issuance.* Upon verification of the material submitted by the applicant pursuant to subsection (d) and payment of the required license fee (which shall be prorated in cases where a supplemental application is filed to add a vehicle for only part of the term of an existing license), the finance director shall issue an SGT license to the applicant covering each vehicle specified in the application.

(f) *Other standards.* SGT licensees are required to observe the requirements of article III of chapter 46 of this Code (relating to suburban buses) concerning the conditions and safety of their equipment and operations. Provided, however, where the operator's contract with the city or an airport use permit provides for more stringent provisions, the more stringent provisions shall be applicable.

(g) *Substitute vehicles.* Licensees may substitute a vehicle for a vehicle covered by an SGT license, provided the finance director is notified in advance.

(h) *Revocation or suspension; appeals.* The finance director may revoke or suspend any SGT license, in whole or in part, for failure to comply with this section, provided that:

- (1) The licensee is given notice and an opportunity to be heard prior to the action; and

- (2) No such action is effective until the licensee is notified in writing, which notice must include a statement of the reason for the action.

Within 15 days following receipt of such a notice, and if the license is wholly or partially suspended for 16 days or more or revoked, the licensee may appeal the action to the city council by delivering a written notice of appeal to the city secretary. Upon timely receipt of such appeal, a date will be set by the city council for a hearing thereon, subject to the council's general rules. The city council may affirm, modify, or reverse the action of the finance director.

(i) *Status of vehicles.* Any vehicle for which an SGT license is in effect shall not be deemed a "taxicab" as defined in section 46-16 of this Code at any time when the vehicle is operated pursuant to this section.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Table 9-1.
Recurring Airport Use Fees for Commercial Passenger Vehicles

Class		Description/Criteria	Fees
1	Taxicabs	HOU: Departures from the airline terminal building at HOU with one or more passengers.	\$1.25 per departure
		IAH: Departures from anywhere at IAH with one or more passengers	\$2.75 per departure
2	Commercial Carrier Service (Contract)	Vehicles providing commercial carrier service under contract with the City.	Fees are as prescribed in the contract.
3	Commercial Carrier Service (Special Permit Conditions)	Vehicles providing commercial carrier service not under contract with the City, but with special permit conditions under subsection 9-54.	For each trip through a terminal complex, a per-trip fee applies, based on number of seats (including driver): 1 through 11 seats: \$1.00 12 through 24 seats: \$1.25 25 seats or more: \$2.25
4	On-Airport Rental Car Users	Vehicles used in connection with the business of on-airport rental car users.	Fees are as specified in the contract.

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Class		Description / Criteria	Fees
5	Off-Airport Rental Car Users	Vehicles used in connection with the business of off-airport rental car users.	Off-airport percentage of adjusted gross receipts. See Note 3.
6	Off-Airport Parking Users	Vehicles used in connection with the business of off-airport parking users.	6% of gross receipts. See Note 4.
7	Courtesy Limousines (courtesy vehicles providing limousine service)	Trips without AVI: For each trip not registered by the automatic vehicle identification system, a fee applies to each departure from an appropriate loading area. See Note 1.	Fee per departure, based on number of seats (including driver): 1 through 6 seats: \$4.00 7 through 11 seats: \$6.00 12 through 24 seats: \$10.00 25 seats or more: \$15.00
		Trips with AVI: For each trip through a terminal complex registered by an automatic vehicle identification system, the fee is based on chargeable time increments. See Note 2.	Fee per chargeable time increment, based on number of seats (including driver): 1 through 6 seats: \$2.00 7 through 11 seats: \$3.00 12 through 24 seats: \$5.00 25 seats or more: \$7.50
8	Other Courtesy Vehicles (all other courtesy vehicles, not covered above)	Fees apply to each trip through a terminal complex.	Fee per trip, based on number of seats (including driver): 1 through 11 seats: \$0.65 12 through 24 seats: \$1.00 25 seats or more: \$1.50
9	All Others (all other commercial passenger vehicles, not covered above)	Trips without AVI: For each trip not registered by the automatic vehicle identification system, a fee applies to each departure from an appropriate loading area. See Note 1.	Fee per departure, based on number of seats (including driver): 1 through 6 seats: \$4.00 7 through 11 seats: \$6.00 12 through 24 seats: \$10.00 25 seats or more: \$15.00
		Trips with AVI: For each trip through a terminal complex registered by an automatic vehicle identification system, the fee is based on chargeable time increments. See Note 2.	Fee per chargeable time increment, based on number of seats (including driver): 1 through 6 seats: \$2.00 7 through 11 seats: \$3.00 12 through 24 seats: \$5.00 25 seats or more: \$7.50

- Note 1 *Trips without AVI (departure fees).* Fee covers waiting, parking in a designated area, loading, and any departure with a passenger picked up in a terminal complex (there being no fee for unloading only)
- Note 2 *Trips with AVI (chargeable time increments).* Fee covers one trip through a terminal complex (for waiting, parking in a designated area, loading, unloading or any other purpose). The chargeable time increments for each trip are the second, third, fifth, seventh, eighth and any subsequent increments. For each trip, the first time increment is the first 15 minutes (or part thereof) when the vehicle is within the terminal complex, as determined by the automatic vehicle identification system. The second time increment is the next 15 minutes (or part thereof), and so on.
- Note 3 *Rental car users (percentage, gross receipts).* For off-airport rental car users: (i) the off-airport percentage is two percentage points lower than the prevailing percentage rate of gross receipts for on-airport rental car users at the airport in question, as determined by the director, and (ii) "adjusted gross receipts" means the sum of money, for any given time period, computed according to the following formula: (G - N) - E. In this formula:

"G" is gross receipts, which for this purpose shall mean all revenue paid or payable and all compensation received in connection with the user's business operations at the facility served by the commercial passenger vehicles in question, including without limitation, the following: all sums received as time and/or mileage charges after discount, for the rental of automobiles by the user; all sums received from the user's customers by the reason of their acceptance of personal accident insurance; all sums received for any other insurance or airport fees, including any renewal policy issued to any customer; all sums received in connection with automobile rentals for mobile phones, car seats, and other amenities; all sums received for valet services, or other services rendered in connection with user's business; the fair market value of any goods, services or other things of value received as compensation for, or in exchange for, the supply of automobiles or any of the other goods and services referred to above; but "gross receipts" shall not include the following: the amount of any federal, state, or municipal sales or other similar taxes (which do not include non-tax fees such as airport use fees), whether or not separately stated and/or collected directly from customers of the user, now or hereinafter levied or imposed; any sums received as insurance payments or otherwise for damage to automobiles or other property of the user or for loss, conversion, or abandonment of such automobiles; amounts paid by customers of the user separately billed as additional charges for waiver by the user of its right to recover from customers for damage to the vehicle rented; any charges collected from customers as reimbursement for refueling an automobile rented pursuant to a rental agreement under which the customer is obligated to return the automobile with the same amount of gasoline furnished at rental; or any sums received by reason of the user's disposal of capital assets and/or trade fixtures.

"N" is the amount, if any, of the user's non-airport-related gross receipts (included in "G") for the time period in question, as determined by the director. The user may seek to have such an amount determined for any given time period by applying in writing to the director on or before the due date of the fee for that time period and providing clear and convincing documented proof as to the amount of the user's non-airport-related gross receipts during such time period. If such proof is made to the satisfaction of the director, the director shall issue an order determining the amount of "N" for such time period and adjusting the airport use fee accordingly. If the director does not issue such an order within 30 days following the day that the user makes an application, the user may appeal the failure to issue the order to the hearing officer in the same manner as an appeal for the denial of a permit.

"E" is \$15,000.00 per month, prorated on a daily basis for time periods shorter than a month.

Note 4

Parking users (gross receipts). For off-airport parking users, "gross receipts" means all revenue paid or payable and all compensation received from the user's business operations at each facility served by the commercial passenger vehicles in question, including without limitation, the following: all sums received as parking charges after discount; all sums received as airport fees; all sums received in connection with providing any amenities or services in connection with parking; all sums received for valet services or other services rendered in connection with user's business; the fair market value of any goods, services or other things of value received as compensation for, or in exchange for, motor vehicle parking or any of the other goods and services referred to above; but "gross receipts" shall not include the following: the amount of any federal, state, or municipal sales, or other similar taxes (which do not include non-tax fees such as airport use fees), whether or not separately stated and/or collected directly from customers of the user, now or hereinafter levied or imposed; any sums received as insurance payments or otherwise for damage to automobiles or other property of the user or for loss, conversion, or abandonment of such automobiles or property; or any sums received by reason of the user's disposal of capital assets and/or trade fixtures. With the approval of the director, a user that also provides parking for non-airport-related activities may deduct the resulting non-airport-related gross receipts. Any such deduction is determined and governed by the provision, above, for the non-airport-related deduction from the gross receipts of off-airport car rental users (see "N" in the formula for adjusted gross receipts of off-airport car rental users).

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Secs. 9-59—9-70. Reserved.

DIVISION 4. SOLICITATION

Sec. 9-71. Definitions.

When used in this in this division, the following words, terms, and phrases shall have the

meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

Baggage claim area means any of the spaces designated for the disposition of baggage in each terminal facility.

Commercial activity shall mean any activity undertaken for profit or direct monetary benefit, including the sale, advertisement, or display of goods or services.

Distribute literature means to distribute any printed or written matter consisting of books, pamphlets, handbills, tracts, cards, circulars, pictures, films, magazines, or any other written matter for a philanthropic, religious, charitable, benevolent, humane, public interest, political, or similar eleemosynary purpose, nonprofit activity or non-commercial activity or purpose.

Permittee means a person who engages in solicitation or distributes literature pursuant to a permit duly issued under this division.

Person means only a natural person.

Solicitation means the act of requesting or accepting money or other thing of value by a person for a philanthropic, religious, charitable, benevolent, humane, public interest, political, or similar eleemosynary purpose, nonprofit or non-commercial activity or purpose. This term shall not include activities intended to directly benefit the individual making the request, which shall be considered commercial activity as defined hereunder and regulated by section 9-161 et seq. of this Code and any other ordinances, laws, or rules regulating commercial activity at the airports.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-72. Regulated activities.

(a) Any person who desires to engage in solicitation or distribute literature at any city airport shall first file an application with the director on a form prescribed by the director during regular business hours at the office of the director or at such other place prescribed by the director.

(b) Upon receipt of an application containing the information required by the director and upon the payment of such fees as the director may uniformly prescribe to defray administrative ex-

penses, if there is space available in the airport facility in which the applicant wishes to engage in solicitation or distribute literature, the director shall issue a permit to the applicant.

(c) Upon issuance of a permit by the director, the permittee shall be entitled to engage in solicitation or distribute literature for a period of not more than seven consecutive days. A new application must be completed and submitted to the director prior to each seven-day period or portion thereof during which a person desires to engage in the activities regulated hereunder.

(d) Upon issuance of a permit, the permittee shall be entitled to engage in solicitation or distribute literature from within, and not from without, certain solicitation booths or areas to be designated by the director

(e) It is the intent of the city council that the director exercise no judgment regarding the purpose or content of the proposed activity and exercise no discretion over the allocation of available booth space or designated areas, except as provided in this section. The allocation of available booth space or designated areas hereunder by the director shall be a routine clerical and mandatory function. The director shall utilize a first-come-first-served basis for allocating the booths or designated areas. In the event that two or more applicants seek to conduct the activities regulated herein in the same booth or designated area at the same time, the director shall apportion the available booth space or designated area between or among permittees on an as equitable basis as possible.

(f) The permittee shall conspicuously display his permit in the booths or designated areas at all times while engaging in solicitation or distributing literature.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Sec. 9-73. Prohibited activities.

It shall be unlawful for any person who is engaging in solicitation or distributing literature described under this division to:

- (1) Intentionally or knowingly cause physical, expressive, or verbal contact with another person when permittee knows or

should reasonably believe that the other person will regard the contact as offensive;

- (2) In any way obstruct, delay, or interfere with the free movement of any other person or seek to annoy, coerce, or disturb any other person;
- (3) Engage in solicitation or distribute literature outside a solicitation booth or designated area provided for under this division;
- (4) Engage in solicitation or distribute literature without first filing an application and obtaining a permit as required under this division;
- (5) Misrepresent whether any printed matter is available without cost or donation;
- (6) Make any loud or raucous noise, verbalization, communication, or disturbance that interferes with: the public, the ability of others to hear public announcements, the transaction of business by any airline or other airport tenant, concessionaire, licensee, or permittee;
- (7) Drape or attach any materials to any booth or in any designated area;
- (8) Alter a permit issued by the director;
- (9) Engage in solicitation or distribute literature while displaying a permit issued in the name of another person;
- (10) Engage in solicitation or distribute literature in a booth or designated area after the expiration of any permit issued under this division;
- (11) Engage in solicitation or distribute literature for a purpose other than that set out in the application upon which the permit was issued; or
- (12) Misrepresent permittee's identity, purposes, or affiliations to any person at the airports; or
- (13) Represent in connection with the solicitation or distribution of literature that the issuance of a permit by the director con-

stitutes an endorsement or approval of the purposes of such activities by the city or any officer or employee thereof.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

Secs. 9-74—9-90. Reserved.

ARTICLE III. AIRSIDE AREA REGULATIONS*

DIVISION 1. GENERAL

Sec. 9-91. Identification badge required.

(a) It is unlawful for any person to be in any security identification display area of any city airport unless the person properly and continuously displays, while in the area, a valid, unexpired identification badge issued or approved by the aviation official. An identification badge will be deemed properly displayed only if is worn photograph side up, on the front of the outermost garment between the waist and neck.

(b) It is unlawful for any person to enter into or upon any other airside area of any city airport unless the person continuously has a valid unexpired identification badge issued or approved by the aviation official in his possession while in the area.

(c) It is unlawful for any person to counterfeit or imitate or attempt to counterfeit or imitate an identification badge issued or approved by the aviation official; nor shall any person use or exhibit, or attempt to use or exhibit, any identification badge unless he is the actual authorized holder thereof.

(d) In addition to any administrative remedies available to the director, any person violating any of the provisions of this section shall, upon con-

***Editor's note**—Ord. No. 02-1984, § 1(Exh. A), adopted December 18, 2002, amended Art. III in its entirety. Formerly, said article pertained to commercial use of airports and derived from Code 1968, §§ 9-119—9-151 and subsequent amendments.